

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

George Edward Glick, Jr.,

Movant,

v.

Case Nos. 2:04-cr-45 / 2:18-cv-962

Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

United States of America,

Respondent.

OPINION AND ORDER

This matter is before the Court on two *pro se* motions filed by Movant seeking leave to amend his appointed counsel's yet-to-be filed status report. ECF Nos. 103, 104. For the reasons that follow, those motions are **DENIED**.

Movant moved to vacate his sentence under 28 U.S.C. § 2255, alleging that he received ineffective assistance of counsel at his supervised release revocation proceedings. ECF No. 71. Movant also filed a separate motion alleging that he was entitled to relief under the First Step Act of 2018, Pub. L. No. 115–391, 132 Stat. 5194 (“the FSA”). ECF No. 97. On June 14, 2019, the Court allowed Movant to amend his motion to vacate to assert new ineffective assistance of counsel claims. ECF No. 98. The Court, however, did not allow Movant to amend his motion to vacate to assert his alleged FSA claims because, in this case, those claims are governed by 18 U.S.C. § 3582(c)(1)(B). *Id.* The Court noted that counsel had been appointed to represent Movant with regard to

his FSA claims, and the Court stayed the § 2255 proceedings pending their resolution. *Id.*

On June 26, 2019, the Court ordered appointed counsel to file a status report within ten days, or by July 10, 2019. *Id.* On July 10, 2019, the Court received Movant's instant *pro se* motions, both of which seek to amend the status report due today from Movant's appointed counsel. ECF Nos. 103, 104. Both motions appear to discuss matters related to the ineffective assistance claims that Movant raised in his motion to vacate under § 2255. *Id.* The Court has, however, stayed the § 2255 proceedings pending resolution of the FSA claims. Moreover, Movant is represented by counsel with regard to his FSA claims. Accordingly, to the extent Movant is attempting to make *pro se* FSA claims in his motions, the Court will not address them—Movant has a constitutional right to be represented by counsel or to represent himself, but he is not entitled to both. *Miller v. United States*, 561 Fed. App'x. 485, 488 (6th Cir. April 1, 2014).

Movant's motions, ECF Nos. 103, 104, are **DENIED**.

IT IS SO ORDERED.



MICHAEL H. WATSON
MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT